

# Judicial review sought into **Cave Creek** tragedy

By COLIN ESPINER

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Christchurch lawyer **Grant Cameron** is calling for a judicial review of the actions of police investigating the **Cave Creek** disaster after the Government yesterday ruled out an independent inquiry.

Mr Cameron believes a dozen DOC staff should face manslaughter charges over the collapse of the West Coast viewing platform in April 1995, which killed 14 people.

He wrote to Prime Minister Helen Clark on behalf of families, asking for an independent inquiry into the police's decision not to prosecute.

But Ms Clark said yesterday that she did not intend to get involved in a re-examination of issues around the **Cave Creek** tragedy.

"As Prime Minister, I do not intend to get involved in matters which are properly the province of statutory officers. In any case I'd be directed to either the Commissioner of Police or to the Solicitor-General," Ms Clark said.

Mr Cameron said he was disappointed by Ms Clark's decision, which he said perpetuated the injustice for families.

"She's really saying, 'Let's leave it to history'. And if there was a mix-up, well so what.

"The families are less concerned with people facing prosecution at this very late date than they are with simply finding out there's been a cover-up."

A police investigation by Christchurch Detective Inspector Kevin Burrowes after the platform collapse recommended that DOC staff who built and maintained the platform should face prosecution. A subsequent commission of inquiry over-ruled the finding. Mr Burrowes' report has since gone missing.

Mr Cameron said the next step was a judicial review, which could be instigated by anyone. But families could not afford it.

"It's an option we would consider. If somebody's prepared to put up the cost, we would happily (go ahead)," Mr Cameron said.

"Any educated, independent scrutiny of that file would certainly conclude that prosecutions were warranted, and in quite a number of cases."

Police spokesman John Nielson said yesterday that police were still searching for Mr Burrowes' file, but even if it was found it was unlikely police would review their decision not to prosecute.

He said the original decision not to lodge charges was based on advice from the Solicitor-General and senior legal advisers in Christchurch.

But the Crown Law Office told The Press yesterday the Solicitor-General had never issued a formal opinion on the case. He had, however, reviewed both the initial legal advice and the commission of inquiry finding and had agreed with the findings.

A spokeswoman said the issue had been well and truly dealt with. "The answer's not going to be any different now than it was then."

The mother of one of the victims of **Cave Creek**, Majorie Shaw, described the failure to lay charges as the biggest case of injustice in New Zealand history.

The former chairman of the West Coast Conservation Board, Bruce Hamilton, said it would be unfair to put those involved under stress again.